

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

TAMMY M. BRAWNER and  
GREG BRAWNER,

Plaintiffs,

v.

SCOTT COUNTY, TENNESSEE, LISA  
TERRY, TIFFANY BYRGE, AMY  
NICELY, DEREK PHILLIPS, SHANE  
MASON, BRITTNEY BROWN, unknown  
John and Jane Doe jailer officers;

ADVANCED CORRECTIONAL  
HEALTHCARE, INC. ("ACH");

EDWARD W. CAPPARELLI, M.D.;

BRITTANY MASSENGALE, LPN; and

CAMPBELL COUNTY HMA, LLC d/b/a  
TENNOVA HEALTHCARE- LAFOLETTE  
MEDICAL CENTER,

Defendants.

Case No. 3:17-cv-108-JRG-HBG

JURY DEMAND

---

**QUALIFIED PROTECTIVE ORDER  
PERMITTING *EX PARTE* INTERVIEWS WITH TREATING PROVIDERS**

---

Upon motion of Defendant, Campbell County HMA, LLC, d/b/a Tennova Healthcare – LaFollette Medical Center, pursuant to Tenn. Code Ann. § 29-26-121(f), it is hereby **ORDERED**:

1. The Defendant and/or its attorneys may conduct informal interviews with the following health care providers of Tammy Brawner:

- Donald Gayda, D.O.
  - Guy Clark, M.D.
2. The Defendant may discuss relevant information regarding this litigation, and may conduct interviews with the above-listed health care providers outside the presence of the Plaintiffs or their counsel.
  3. Participation in any such interview by a treating health care provider is voluntary.
  4. This Order expressly limits the dissemination of any protected health information of Tammy Brawner to the litigation pending before this Court, as stated in Tenn. Code Ann. § 29-26-121(f). Any protected health information obtained during the course of any informal interview, including copies of any notes and records, shall be returned to the health care provider or destroyed at the end of the litigation.
  5. Any discussion with a relevant health care provider is limited to the parameters of Tenn. Code Ann. § 29-26-121(f).
  6. Nothing in this Order restricts in any way the right of the Defendant or Defendant's counsel from conducting interviews outside the presence of Plaintiffs or Plaintiffs' counsel with the Defendant's own present or former employees, partners, or owners concerning this health care liability action.

ENTERED this 10 day of January, <sup>2018</sup>~~2017~~.

Bruce Guyton  
Judge Ronnie Greer  
U.S. Magistrate Judge

APPROVED FOR ENTRY:

GIDEON, COOPER & ESSARY, PLC

By: /s/ Jordan K. Gibson

C. J. Gideon, #006034

J. Blake Carter, # 030098

Jordan K. Gibson, #035146

315 Deaderick Street, Suite 1100

Nashville, TN 37238

(615) 254-0400

*Counsel for Campbell County HMA, LLC  
d/b/a Tennova Healthcare – LaFollette  
Medical Center*

**CERTIFICATE OF SERVICE**

I certify that on December 13, 2017, a true and correct copy of this document was electronically filed with the Court's CM/ECF system, with service to the following:

**Weldon E. Patterson**  
**Louis W. Ringger, III**  
Butler, Vines & Babb, PLLC  
2701 Kingston Pike  
Knoxville, TN 37919

*Counsel for Plaintiffs*

**Heidi A. Barcus**  
**Russ Swafford**  
London & Amburn, P.C.  
607 Market Street, Suite 900  
Knoxville, TN 37902

*Counsel for Advanced Correctional  
Healthcare, Inc. and Brittany Massengale,  
LPN*

**Darren V. Berg**  
Law Offices of Darren V. Berg  
1722 Meadow Chase Lane  
Knoxville, TN 37931

*Counsel for Plaintiffs*

**Arthur F. Knight, III**  
**Jonathan Swann Taylor**  
Taylor & Knight  
800 Gay Street, Suite 600  
Knoxville, TN 37923

*Counsel for Scott Co., TN, Amy Nicely,  
Brittany Brown, Derrick Phillips, Lisa Terry,  
Shane Mason and Tiffany Byrge*

/s/ Jordan K. Gibson  
C. J. Gideon, #006034  
J. Blake Carter, #030098  
Jordan K. Gibson, #035146